

To the Judges of the Circuit Court of the
United States in the District of Massachusetts.

Thomas Roberts and other names as Complainants
in a Bill in Equity filed in the Court on the 14th day of
August last past against George Roberts & other persons
~~named as~~ their respondents against, referring from
Hears to the pleadings, answers, decrees & other portions of the
records of said cause, humbly complaining say unto
your Honors that, ~~he~~ on the 14th day of August last the
said their bill of complaint against the said George Roberts,
& Benjamin W. Thayer & John H. Bufford, & Edward Wright
& Richard P. Mallory, wherein ~~prayer~~ ^{among} other
things, that the said Roberts should be enjoined from using
certain plates & stamps in printing notices, posters, adver-
tisements, certificates &c delivered to him by the complain-
ants; - for making or causing to be made any stamps,
plates or dies for the purposes of imitating the Signs, La-
bels, Mark & insignia used by the complainants upon their
boxes of Parr's Life Pills; - for making or offering for
sale any pills in imitation of & under the name of "Parr's
Life Pills", so made & sold by the complainants; & that he
be decreed to deliver up to this Court all such plates, stamps
& dies. And also ~~prayer~~ that the said Thayer, Bufford,
Wright & Mallory, be enjoined not to print, ^{or} ~~process~~ ^{or} ~~process~~ in
working upon certain wood or metal stamps, dies plates or
cuts in said bill described, & not to deliver the same to

the said George Roberts, nor to any one else; & that they be allowed to deliver the same into Court.

That after the filing said bill & after a subpoena thereupon have been duly served upon each of the parties complainant against, on the 15th day of said August there was served upon each & of said parties a notice of the substance & purport of said bill & especially of the parts above recited, & that they were therein cautioned that if they should after the receipt thereof & before a decree upon the hearing of said bill do anything contrary to the tenor of the injunctions prayed for by said bill, or which might counteract the purpose of said injunction, that then & once he should be out of said Court, a process for contempt against them, or such other process as should to said Court seem meet.

That upon a hearing of said bill a writ of injunction was issued & served on said parties, on the 15th day of September last, to which the complainants beg leave to refer your Honors, inquiring them to do the things above recited as of the purport of said bill.

That on the aforesaid decree was signed, making said injunction perpetual, which was duly served on the said parties, also commanding them to deliver up to this Honorable Court ~~and~~ the stamps, dies & plates above recited, which was duly served upon them.

That said Thayer & Bufford here delivered up certain
plates or stamps, pursuant to said order, but the complain-
ants do not know whether they are all that are decreed to be
delivered up. That said Wright & Mallory here met
delivered up any stamps, cuts or plates, but here disobeyed
the ~~injunction~~ decree of this Honorable Court therein.

That the Complainants here cause to be believed that the
said George Roberts has, since he received said notice, &
since the service of said injunction, disobeyed the said
order & injunction, & has caused such stamps or plates to be
made, & has used the same, & has made or offered for
sale such pills. Also that said Thayer, Bufford & the
Wright & Mallory, here since the service of the notice
on them & since the service of the injunction, disobeyed the
same, & have finished or caused to be finished said plates
cuts or cuts; here & here delivered the same to George
Roberts aforesaid, or to some other person, other than
to the order of this Court.

In verification whereof, they pray
leave to refer to the affidavits & other evidence accom-
panying this motion, & pray that the Court will summon in
the said parties defendant to show cause why process should
not issue against them in a writ of contempt, & for such other
process & other relief as to this Honorable Court shall see
meet.

R. H. Dana Jr
Attorney & of Counsel

Richard H. Dana Jr, Solicitor for the Complainants on oath
deposes & swears that all the things in this Motion set forth
as of the knowledge of the complainants are true to of his
knowledge, & such things as are alleged as of the information & be-
lief of the complainants, he is informed & believes are true.

R. H. Dana Jr

Massachusetts. May 16. Shown to before me
Francis Barrett Clerk -

May 19th 1844 - Taken in
Court of Sessions to show
cause special Vol. Friday
24th of May -

Shall call to the court.

Notice for process to
show cause to the court

Roberts et al. vs. Roberts, et al.
Answer of Edward Wright, and
Richard P. Mallory defendants in
said said to interrogatories proposed by
complainants in relation to complainants
motion for a process, for contempt.

ans. to p. 28, 32

On the day of the service of the
notice of the 15th of August 1843. on us, we
had no plates, cuts, or stamps relating
to Parr's Life Pills in our possession;
nor have we since had any such in
our possession; or since said date made
or caused to be made any such plates,
cuts or stamps; nor do we know that
any other person has made or caused
such to be made since said date;
nor has there to our knowledge been any
printing, or stereotype casting from any
such plates, cuts or stamps since said
15th of August.

4th

~~We know~~ All plates, or cuts, made
by us relating to Parr's Life Pills were

delivered to George Roberts or to his agent
some time before the service of said notice
on us, and we have no knowledge of any printing
or stereotyping having been done from the
same since said time.

J. R.

About two days after said service of notice
we were applied to by a stranger to engrave
a head of Parr, which in consequence of
said notice we refused to do. We have
had no other intercourse with any person
else since said time for the purpose of
making or causing to be made any
plates or cuts of Parr's Life Pills.

And said Defendants
pray, that they may be hence discharged, and
for their costs.

Edward Wright
R. P. Mallory

Suffolk Co. May 27th 1844
Subscribed & sworn to
Before me

J. W. May, Counsel
for Def.

Chas. L. Hancock, Sur. Peace

Went to Dick's on Saturday
Saw the old mill
and the old mill

10 March
10 March

May 27th 1844 - Fare

Roberts et al vs. Roberts et al.

Affidavit.

I, S. M. Howe of Boston in said District, & a citizen thereof, do hereby, on oath depose & say, that within three months last past he has discovered that there is one large quantity of counterfeit & spurious pills offered for sale as & for Parr's Life Pills made & sold by the Complainants in this cause, which pills are put up in boxes with stamps, labels & insignia upon them, in exact imitation of the genuine those upon the boxes of the genuine Parr's Life Pills, ~~as set forth~~ made & sold by the complainants, containing among other things ~~the~~ a fac simile of the handwriting of one of the complainants, used as a signature by said their firm.

That he has been informed & believes that these stamps, labels, insignia &c. have been struck off from plates, stamps or dies made in Boston.

That he has seen certain ~~the~~ wood cuts & stereotype plates apparently made for them, now in custody of the Court, so made that their ~~the~~ labels, insignia & stamps might have been struck from them. Also a copper plate, likewise in possession of this Court, so made that these labels & insignia may have been struck from ~~the~~ it.

That he has been informed & believes that there have been cast in said Boston, within the six months last past, at the request & for the use of George Roberts, Defendant in this

cause a number of stereotype plates, cast from wood
cuts, for the printing of statutes, labels & vignettes, &
which plates were of 9 in. impressions of the prints,
statutes & labels in boxes of such size are used by the com-
missioners in the sale of their pills.

Seth W. Fowle

May 16th 1844 - Sworn to before me

Francis Barnett, Clerk

Thomas Roberts & co v George Roberts & co.

William Francis Burgh of New York in the state of New York
on oath deposes & saith that on or about the 12th day of
August last, he called at the working shop of Greger & Bufford
in the pleadings in this cause mentioned, & found them at work
upon a copper plate, which they said was ordered by George Roberts
to be made ~~in exact imitation~~ of so as to produce an exact
imitation of the print or device on the side of the boxes of Fair
Life Pills, as set forth in the pleadings of this cause. That the
deponent was informed then & there that it would require about
ten days to complete said plate. That he has this day seen
the copper plate delivered into Court by said Greger & Bufford,
& that it seems to be the same plate ^{which} when they were at work
on the said halfpenny of paper, the same being then not more
than one third part finished, but now apparently finished, so
far as is necessary for a complete use of the same.

That at the same time & place said Greger informed the
deponent that certain wood cuts then shown him by said Greger, &
which the deponent believes to be the same or exactly similar to those
now in Court, were given him with instructions where stereotype
plates cut from them, which the deponent understood had not
then been done.

W. F. Burgh

Deposition of Wm. F. Burgh taken at New York City
22. 1844. Subscribed & sworn to before me
at New York City this 22nd day of August 1844.
Wm. F. Burgh

Arthur A. Smith
Attorney at Law

Roberts et al. v Roberts et al.

1. ~~Here for or not delivered up to this Co~~

Interrogatories to be answered to Edward Wright & Richard D. Mallory, defendants in the above named suit, in relation to the Motion of the complainants for a subpoena in contempt.

1. Here for delivered up to this Court all the plates, or cuts wh. were in your possession on the day of the service of the notice of the 15 Aug. 1843 relating to Paris's Life Pills, or which have since that time been in your possession?

2. What have you done with such plates, cuts or stamps, relating to Paris's Life Pills as were in your possession on the 15 day of Aug. last past? To whom have you delivered them & for what purpose? Have you had any of a like kind in your possession since that? If yes, from whom did you get them, for what purposes, & what have you done with the same?

3. Has there or not, to your knowledge, been any printing, or stereotype casting, done for or upon any plates, cuts or stamps relating to Paris's Life Pills since the said 15 Aug.? When have you last known any such to have been done? By whom? How did you get your knowledge thereof?

4. What did you do with the plates or cuts relating to Paris's Life Pills made by you? When did you do so? Where are ~~the~~

Same now? Do you know of any stereotype plates being
made for the same? If yes, how lately by whom & on
whose account? At whose request? Do you know of any
printing being done for the same since said date?
If yes, when, by whom, at whose request & by whose
order?

5. Have you a note, since the notice of the 15 Aug., had
any & what dealings or intercourse with George Roberts,
or one ~~known~~ known, or the agents of either of them
with reference to making, cutting up, or otherwise
using any plates or cuts of Van's Life Pills? What
have you done thereupon?

R. H. Davis Jr
Atty. Gen. of Conn.

Object & Order

Out to Night & Morning

1846

May 22-1846-
The

J. W. Marry

appears for Wright of Clinton

May 23^d - 1844 -

Appearance

UNITED STATES OF AMERICA.

MASSACHUSETTS }
DISTRICT, } ss.

The President of the United States of America,
To the Marshal of our District of Massachusetts,
or to either of his Deputies,

GREETING:

WE COMMAND YOU, that you summon *George Roberts,*
B. W. Thayer & John H. Bufford, Edward Knight
& Richard P. Mallory all of Boston in said
District

Circuit
(if ~~they~~ ^{now} may be found in your precinct) to appear before the ~~District~~ ^{Circuit} Court of the
United States, ~~to be~~ holden at Boston, within and for the Massachusetts District, on
the twenty fourth day of *May* current at *10*
o'clock, *A. M.* then and there to ~~answer to a~~ ^{filed in}
said Court against ~~him~~, by *show cause if any they have*
why process should not issue against them for
Contempt, for violating an injunction issued
against them in the Complaint of Thomas
Roberts, Herbert Ingram and Nathaniel Cooke
of London in the United Kingdom of Great
Britain & Ireland

HEREOF FAIL NOT, and make due return of this Writ, with your doings
thereon into our said Court.

Witness, the Honorable *Roger B. Taney*
at Boston aforesaid, the *Seventeenth* day of
May in the year of our Lord one thousand eight hundred
and forty *four*

Francis Bennett Clerk.

Robert will be Robert what

Summons to them

Case -

\$ 15.05

For copy of 10.00
5.00
5.00
Total =

Henry Harris
N. S. City Marshal

Plaintiff States of America
Chap District of Boston May 18 1844
On account hereunto there
sum named the within name "Robert" by leaving at
his place of abode in Boston, a true and attested copy hereof;
also, if he are summoned the within name, charges & expenses
might and shall be given to each in hand as he
order attested copy of the within name, to appear as here

United States Circuit Court, for the District
of Massachusetts -
In Chancery: Thomas Roberts & al.

v.
George Roberts & al.

The return of George Roberts aforesaid to the motion of the said complainants, filed in said Court, praying that process may issue against said defendants for contempt - and to the several Interrogatories propounded to the said George Roberts in relation thereto.

The said Roberts, now and at all times saving and reserving unto himself, all and all manner of benefit and advantage, which can or may ^{be} taken to the said motion and complaint of said plaintiffs, for answer thereto, or to so much thereof as this Respondent is advised is in any wise material or necessary for him to make answer unto, answers and says, that he admits that said Complainants did file their bill of complaint against ^{him} the said Roberts, and the other defendants therein named, in this Honorable Court, and that thereupon such proceedings, orders and decrees were had in said suit, that an injunction was obtained against said Roberts and the other defendants therein, And the said Roberts, for the greater certainty, prays leave to refer to the plaintiffs said bill of complaint, and the orders, decrees & other papers now remaining on file in this Court, and to the Record of the same. And the said Roberts admits that said Injunction was made perpetual, and duly served upon him, and that after the service of the subpoena issuing upon the said plaintiffs, original bill of complaint, and before the obtaining by them of the aforesaid injunction, and before any service of the same upon the said Roberts, a notice was served upon him of the purport & prayer of said

bile of complaint, but said Roberts says, that said notice came from the counsel of said plaintiffs, and submits, protesting that he has done nothing contrary to the tenor thereof, that he was not in law bound to regard said notice, and that the same was in no way binding upon him.

And the said Roberts further answering unto the plaintiff's said motion, says that he has in no way or manner disobeyed the terms and conditions and requisitions of said ~~injunction~~ Injunction, as is falsely alleged in said plaintiff's motion, but has in all respects conformed thereto. And has done all matter and things, which he was thereby commanded to perform & do, and has refrained from doing and performing all matter and things, from which he was enjoined & commanded thereby to refrain from doing and performing. And said Roberts further says that he has not since the obtaining said injunction and the service thereof upon him, disobeyed the same, neither has he caused any stamps, plates, cuts, such as are mentioned & referred to in said plaintiff's motion, to be made nor has he used the same, as is falsely alleged in the plaintiff's said motion, nor has he since said period, made, sold, or offered for sale, nor caused to be made, sold, or offered for sale any pills of the same character, or similar unto those set forth and described in said plaintiff's said motion, as is falsely alleged therein.

And the said Roberts further says that he has been informed that said plaintiffs, by their counsel in said suit, have placed upon the files of their court certain Interrogatories, purporting to be addressed to him, & for him more especially to make answer unto. And the said Roberts submits, that he is not bound to answer the same, respectfully prays the judgment the honorable court, whether or not he is in law bound

to make answer unto the same or any of them -
and therefore declines answering, the same, till
this Court shall so direct -

And the said Roberts, denying that he has
in any respect, matter, or thing, disobeyed the order,
and injunctions of said Court, and that there is
anything in the plaintiffs said motion alleged
necessary or material for him to make answer unto
and not herein well and sufficiently answered,
traversed, & denied, says that process ought not
to issue against him, as prayed by said plaintiffs,
for contempt, ^{for the reasons aforesaid} and prays that he may be hence
dismissed with his reasonable costs and charges
in this behalf most monyfully sustained.

George Roberts,

U. S. A. District of Massachusetts
Boston, July 2^d 1864.

Personally appeared the above
named George Roberts and made oath to the truth of
the matters contained in the foregoing answer which
are stated as of his knowledge, and that as to
the matters therein contained which are expressed
to be of hearsay, opinion or belief, he truly
believes the same to be true

Before me

Geo. S. Hillard
Commissioner

Robertson - Robertson.

Do. and. to '44' no. for
pieces of attachment -

July 3rd / 1844 - True

Roberts et al vs. Roberts et al.

Interrogatories to be propounded to B. W. Hayes & J. H. B. Force,
defendants in the above named suit, in relation to the motion of the
Complainants for a process for contempt.

1. Have you delivered up to this Court all the plates, cuts or stamps
of every description relating to Parr's Life Pills which you have in your
possession at the time you ~~first~~ received the notice of the 15 Aug. last?
Have you delivered up all such plates, cuts or stamps as have been in
your possession at all since said day? If any such have come into
your ^{possession} ~~notice~~ since said notice, when & from whom did you receive
them?
2. When the notice or order of the 18 May current was served upon
you, have you then in your possession all the plates & cuts you have de-
livered into Court? Where were they on that day? How & from
whom did you procure them? Have you since that time been ^{& what} any
dealing or intercourse with any other persons & with whom, with ref-
erence to the obtaining, transferring or delivering up of the same?
3. Have there or not, to your knowledge, been any stereotype plates
made in Boston or elsewhere from any plates or cuts relating to Parr's
Life Pills? If so, when, by whom & by whose order? How did you
get your knowledge of this? Where are these plates or any of them?
4. From whom did you get the stereotype plates by you produced in Court?
Have they been out of your possession since the 15 day of August last?

If see, in whose possession have they been & for what purposes? Were they in your possession on the 15 Aug. last? ~~Answer~~

5. Have any of the plates ^{in wood or metal} or cuts by you delivered up to this Court, been out of your possession since the said 15 day of August? If see, in whose possession have they been, & for what purposes?

6. Has there or not, to your knowledge, since the said 15 Aug., been any printing, stamping or stereotype casting done from or upon any stamps, plates or cuts relating to Parr's Life Pills? If see, by whom, how lately, at whose request, & on whose account?

8. Is the copper ^{plate} delivered into Court the same which you were at work upon when you received the notice of 15 Aug.?

9. How far was the same then finished? How soon thereafter did you finish the same?

10. State the name of the workman or workmen employed by you to make said copper plate engraving &c.

~~H.~~ B. H. Davis Jr
Solicitor of Counsel

1000

1000

1000

Booth & West

Went to Chicago & back

Sept

May 22^d - 1844 -

True

Roberts et al.

vs

Roberts et al.

Interrogatories to be propounded to George Roberts, Defendant in the above cause, in relation to the motion of the complainants that process may issue against the defendants in contempt.

- 1 Since the service upon you of the notice of the 15 August last, have you, by yourself or your agent, done or ordered to be done, any printing from any plates or cuts in imitation of the devices upon the boxes of Parry's Life Pills, as set forth in the pleadings of this cause? If yes, when & where?
- 2 Have you had any stereotype plates cast relating to Parry's Life Pills? If yes, how lately? When the latest time, & by whom it was done.
- 3 ^{do} ~~do~~ you not know of any printing or stereotype casting, relating to Parry's Life Pills, done since the 15 August last? If yes, by whom has it been done, when, & how and you yet for information?
4. Have you ^{or} not since the said 15 Aug. had intercourse, by yourself or your agent, with one _____ hereafter, by himself or his agent, with reference to making or ~~selling~~ using ~~within~~ any plates or cuts for the imitation of the stamps or devices on the boxes of Parry's Life Pills, or with relation to the selling of imitations of said pills, or as to the sale, letting or using of any such plates or cuts? Answer distinctly

to each point herein inquired after.

5. Where are the plates or cuts made by ~~the same~~ your order by Hager & Co, or by Wright & Mallory, mentioned in the pleadings of this cause? Have you given any & what orders or reports with reference to the same, since the said 15 Aug?

Have the same ~~being~~ ~~with~~ of them been in your possession or under your control, or that of any persons known to you since said day?

6. Have you ever used or caused to use the same, or any of them for printing or stereotype casting, or for the making of other plates similar to them since said day?

7. Have you, since said day, had any connexion with any making or offering for sale any pills as & for Parr's Life Pills, with similar marks & devices to those stated in the pleadings? Do you know of anything of the kind being done? If so, where did you get your knowledge?

8. Are you now in possession or that you create any plates or cuts, relating to Parr's Life Pills? Do you know of or have you seen any such, other than those now in Court?

9. When the notice of the 18 May was served on you, had you in your possession or in that of your agents any plates or cuts relating to Parr's Life Pills? If so, what did you do with the same?

10. Here you, since the service of said last named notice
has anything whatever, by yourself or your agent, to do with the procu-
ring from any persons or ~~the~~ delivering or transferring to any persons
of any plates or cuts relating to Paris Life Pills? If yes, set forth
to or from whom, & at whose request?

M. H. Dineen Jr
Sol. & of Counsel

Roberts & Roberts
Anti-Sec. Roberts
Apr.

May 22⁰-1844 -
True

M. L. Becht Comd.

May 2nd 1844

Roberts et al v Roberts et al

It is agreed that the Motion for
process against Wright & Mallory for con-
tempt may be dismissed as far as regards
said Wright & Mallory, their answers upon
both remaining on file.

R. H. Dana Jr

J. M. Becht

Agreement of Parties -

June 5th / 1844